

**AMENDMENTS TO THE CLAIMS**

This listing of claims replaces all previous versions and listing of claims:

1. **(Currently amended)** A method for the selection and generation of a transgenic *Linum usitatissimum* plant comprising:

(a) introducing into a *Linum usitatissimum* cell a recombinant DNA molecule comprising at least one selectable marker gene, wherein said recombinant DNA molecule confers resistance to a first antibiotic and to a second antibiotic which is different from said first antibiotic, and wherein said first antibiotic and said second antibiotic are characterized in that said first antibiotic and said second antibiotic can be used for selecting a transformed plant cell, a transformed callus or a transformed plant, and wherein said first antibiotic and said second antibiotic are selected from the group consisting of kanamycin, paromycin, neomycin, gentamycin, G-418, streptomycin, spectinomycin and imidazole;

(b) inducing a transgenic callus from said *Linum usitatissimum* cell;

(c) culturing said transgenic callus on a medium containing said first antibiotic;

(d) transferring said transgenic callus or shoots regenerated therefrom onto a medium containing said second antibiotic; and

(e) regenerating a transgenic *Linum usitatissimum* plant from said transgenic callus.

2.-4. (Cancelled)

5. (Currently amended) The method of claim 1 ~~or 4~~, wherein said selectable marker gene encodes neomycin phosphotransferase, streptomycin phosphotransferase or aminoglycoside-3-adenyltransferase, or is a gene conferring resistance to imidazole.

6. (Currently amended) The method of claim ~~4~~1, wherein said first antibiotic is kanamycin and said second antibiotic is G-418.

7. (Currently amended) The method of claim 1, ~~4~~ or 6, wherein the concentration of said first antibiotic is in the range of 150 to 200 mg/l.

8. (Currently amended) The method of claim 1, ~~4~~ or 6, wherein the concentration of said second antibiotic 40 to 100 mg/l.

9. (Previously presented) The method of claim 1, wherein said *Linum usitatissimum* cell is comprised in the hypocotyl of a *Linum usitatissimum* plant.

10. (Previously presented) The method of claim 9, wherein said *Linum usitatissimum* plant is derived from a synchronized germinating seed.

11. (**Previously presented**) The method of claim 1, wherein the recombinant DNA molecule is introduced by a method comprising:

- (a) inoculation with *Agrobacterium tumefaciens*;
- (b) particle bombardment; or
- (c) microinjection.

12. (**Original**) The method of claim 11, wherein said inoculation with *Agrobacterium tumefaciens* is performed in the presence of acetosyringone.

13. (**Previously presented**) The method of claim 1 or 11, wherein said recombinant DNA molecule comprises a binary vector.

14. (**Previously presented**) The method of claim 1, wherein said medium containing said first antibiotic contains at least 0.05 mg/l auxin and at least 0.002 mg/l cytokinin.

15. (**Previously presented**) The method of claim 14, wherein said auxin is naphthalene acetic acid (NAA).

16. (**Previously presented**) The method of claim 14, wherein said cytokinin is thidiazuron (TDZ) and/or benzylaminopurine (BAP).

17. (**Previously presented**) The method of any one of claims 14 to 16, wherein the concentration of auxin and

cytokinin is TDZ (0.002 mg/l) and NAA (0.05 mg/l) or BAP (2 mg/l) and NAA (0.1 mg/l).

18. (**Previously presented**) The method of claim 1, wherein said medium containing said second antibiotic is substantially free of auxins and/or cytokinins.

19. (**Previously presented**) The method of claim 1, wherein the recombinant DNA molecule further comprises a nucleotide sequence encoding a polypeptide, peptide, antisense RNA, sense RNA, viral RNA or ribozyme.

20. (**Original**) The method of claim 19, wherein said nucleotide sequence is operatively linked to transcription and/or expression control sequences.

21. (**Previously presented**) The method of claim 1, wherein said recombinant DNA molecule comprises at least one further selectable and/or scorable marker gene.

22. (**Currently amended**) A transgenic *Linum usitatissimum* plant cell, callus, tissue or a *Linum usitatissimum* plant obtainable by the method of claim 1 or *Linum usitatissimum* plant cells, callus, tissue or a *Linum usitatissimum* plant derived therefrom comprising at least one recombinant DNA molecule that comprises at least one selectable marker gene, wherein said recombinant DNA molecule confers resistance to a first antibiotic and to a second antibiotic which is different from said first antibiotic, and wherein said

first antibiotic and said second antibiotic are characterized in that said first antibiotic and said second antibiotic can be used for selecting a transformed plant cell, a transformed callus or a transformed plant, and wherein said first antibiotic and said second antibiotic are selected from the group consisting of kanamycin, paromycin, neomycin, gentamycin, G-418, streptomycin, spectinomycin and imidazole.

23. **(Previously presented)** A harvestable part or propagation material of a plant of claim 22.

24.-25. **(Cancelled)**